EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2008-0263-MLM-E **TCEQ ID:** RN103162673 **CASE NO.:** 35375

RESPONDENT NAME: Mario Hernandez dba KK Busters Plumbing

ORDER TYPE:							
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING					
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER					
AMENDED ORDER	EMERGENCY ORDER						
CASE TYPE:							
AIR	X MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE					
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION					
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL					
X MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION					
Old State Highway 48, Brownsville, Cameron TYPE OF OPERATION: Sludge transport SMALL BUSINESS: X Yes	er facility						
OTHER SIGNIFICANT MATTERS: A complaint was received on December 11, 2007, alleging that open containers located at 9255 Old State Highway 48 in Brownsville were discharging oil, grease, and septic tank sewage onto the ground. There is no record of additional pending enforcement actions regarding this facility location.							
INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.							
COMMENTS RECEIVED: The Texas Register comment period expired on June 23, 2008. No comments were received.							
CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Andrew Hunt, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1203; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Mario Hernandez, Owner, KK Busters Plumbing, 3221 Wellington Court, Brownsville, Texas 78526 Respondent's Attorney: Not represented by coursel on this enforcement matter							

RESPONDENT NAME: Mario Hernandez dba KK Busters Plumbing Page 2 of 3 **DOCKET NO.:** 2008-0263-MLM-E

VIOLATION SUMMARY CHAR	T:	
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED to the control of the control o
Type of Investigation: X Complaint	Total Assessed: \$2,800	Corrective Actions Taken:
Complaint Routine Enforcement Follow-up Records Review	Total Deferred: \$560 X Expedited Settlement Financial Inability to Pay	The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
Date(s) of Complaints Relating to this Case: December 11, 2007	SEP Conditional Offset: \$0	a. On December 17, 2007, the TCEQ Harlingen Regional Office received a notice of noncompliance from the Respondent for
Date of Investigation Relating to this Case: December 17, 2007	Total Paid (Due) to General Revenue: \$160 (remaining \$2,080 due in 13 monthly	a December 13, 2007 discharge of grease trap sludge;
Date of NOV/NOE Relating to this Case: January 24, 2008 (NOE) Background Facts: This was a complaint	payments of \$160 each) Site Compliance History Classification X High Average Poor	b. On December 18, 2007, the TCEQ Harlingen Regional Office received an amendment to the registration including Valley Dewatering Services as an additional
investigation.	Person Compliance History ClassificationX_ High Average Poor	disposal site;
WATER/WASTE	Major Source: Yes X No	c. On January 21, 2008, the Respondent transported 2,050 gallons of sludge to
1) Failure to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the waste and	Applicable Penalty Policy: September 2002	Valley Dewatering Services disposal site from the storage tanks located at 9255 Old Highway 48, Brownsville, Cameron County, Texas ("the Site"); and
the (Texas) facility has written authorization by permit or registration issued by the Executive Director to receive wastes. Specifically, it was documented		d. On January 29, 2008, the Respondent removed and properly disposed of grease-contaminated soil at the Site.
that the Respondent disposed of grease trap sludge waste at the Site, which was not authorized by permit or registration to receive waste [30 Tex. ADMIN. CODE § 312.143].		The second secon
2) Failure to submit a new registration		
application when the transport operations are no longer adequately described by the existing registration. Specifically, during	to the second of	And Colored State of the Color
the investigation, it was noted that the Respondent was disposing of waste at a facility not designated on the registration [30 Tex. Admin. Code § 312.142(e)].	e de la companya del companya de la companya de la companya del companya de la co	
3) Failed to report discharges or spills to the TCEQ no later than 24 hours after the occurrence of the discharge or spill. Specifically, the Respondent did not report a December 13, 2007 spill at the Site until December 17, 2007 [30 Tex. Admin. Code § 312.146 and Tex. Water Code § 26.039(b)].		
4) Failed to prevent the unauthorized discharge of pollutants including grease		

RESPONDENT NAME: Mario Hernandez dba KK Busters Plumbing **DOCKET NO.:** 2008-0263-MLM-E

	trap waste onto the ground at the Site [30 TEX. ADMIN. CODE § 330.15(c)].	
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Additional ID No(s).: SLGTR23383

Policy Revision 2 (Sept		nalty	Calculatio	n Works	sheet (P	,	evision January 29, 2008
TCEQ							
DATES Assigned PCW		Screenin	g 11-Feb-2008	EPA Due	14- 27- 38-		
RESPONDENT/FACILITY					A		
	Mario Hernande:	dba KK I	Busters Plumbing]			
Reg. Ent. Ref. No.							
Facility/Site Region	15-Harlingen			∐ Major/	Minor Source	Minor	
CASE INFORMATION	All the state of the second	errope an energy design	was opening an arrange as a second	energy on the property of a		· ·	
Enf./Case ID No.	35375			No.	of Violations	4	
	2008-0263-MLM	-E			Order Type		
Media Program(s)	Municipal Solid V	Vaste		Enf		Andrew Hunt	
	Water Quality	ФО.	B. and income	640,000	EC's Team	Enforcement Tea	<u>am 1</u>
Admin. Penalty \$ I	Limit Wilnimum	\$0	Maximum	\$10,000			
		Pena	alty Calcula	ation Sec	tion		
TOTAL BASE PENAL	TY (Sum of v					Subtotal 1	\$3,500
ADJUSTMENTS (+/-)	TO SUBTOTA	L 1					
Subtotals 2-7 are obtain	ned by multiplying the	Total Base I	at the second of			nastau sa	#250
Compliance Histo	ory 	لفليده المجاري	-10%	Enhancement	Subt	otals 2, 3, & 7 ∟ 1	-\$350
Notes	A reduction is	recomme	ended due to High	n Performer Cl	assification.		
					-		0
Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
Culpability	INO [<u> </u>	<u> </u>	Lillancement	and the state of t	1	40
Notes	The Re	spondent	does not meet th	e culpability cr	iteria.		ANN ARRESTA AVAILABLE STATE AV
							ACHIERLY WO
Good Faith Effor						Subtotal 5	\$350
	Before NOV	NOV to EDF	PRP/Settlement Offer				рементально
Extraordinary Ordinary		х					er wooden on
N/A	1	mark with x)					Week and
					20. 2009		Control
Notes	I ne Respo	ndent acr	nieved compliand	e on January 2	29, 2006.		Licentery mayor
			00%			Cubtatal C	\$0
	Total EB Amounts	\$8	,	Enhancement* d at the Total EB \$	S Amount	Subtotal 6	ΨΟ
Approx.	Cost of Compliance	\$1,540					
CUM OF CURTOTAL	0.4.7						\$2,800
SUM OF SUBTOTAL	5 1-7				,	inal Subtotal	\$2,000
OTHER FACTORS AS	S JUSTICE M	AY REO	LIIRE	0%	1	Adjustment	\$0
Reduces or enhances the Final S						- , . -	
Notes							OPPORTUGE TO A PROPERTY OF THE
					Einal Pa	」 nalty Amount ☐	\$2,800
					Fillal Fel	naity Amount	Ψ2,000
STATUTORY LIMIT A	DJUSTMENT				Final Asse	ssed Penalty	\$2,800
DEFERRAL				20%	Reduction	Adjustment	-\$560
Reduces the Final Assessed Pen	alty by the indicted pe	rcentage. (I	Enter number only; e.	g. 20 for 20% redu	ıction.)	7	- Anna Anna Anna Anna Anna Anna Anna Ann
N		\oformul : "	fored for over""	od nottless			And commissions and
Notes		eterral of	fered for expedite	eu sewement.			georgeogra
						1	and the state of t
PAYABLE PENALTY						Г	\$2,240

Screening Date 11-Feb-2008

Docket No. 2008-0263-MLM-E

PCW

Respondent Mario Hernandez dba KK Busters Plumbing

Case ID No. 35375

Policy Revision 2 (September 2002) PCW Revision January 29, 2008

Reg. Ent. Reference No. RN103162673

Media [Statute] Municipal Solid Waste

	Compliance History Worksheet y Site Enhancement (Subtotal 2) Number of	nter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	a do la comercia	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Pleas	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
**************************************	Adjustment P	ercentage (Su	ıbtotal 2)
eat Violator (Si	ubtotal 3)		
Ne	Adjustment P	ercentage (Sเ	ıbtotal 3)
npliance Histor	y Person Classification (Subtotal 7)		
High Pe	förmer Adjustment P	ercentage (Sเ	ıbtotal 7) 🔃
npliance Histor	y Summary	es de servicio de la compansión de la comp	e kaj kaj kaj Kilo
Compliance History Notes	A reduction is recommended due to High Performer Classification.	10 - 44 10 - 10 - 10 - 10 - 10 - 10 - 10 - 10 -	
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Scre	ening Date	11-Feb-2008		Dock	ket No. 2008-0263	B-MLM-E	PCW
F	Respondent	Mario Hernar	idez dba KK B	susters Plumbing		I	Policy Revision 2 (September 2002)
	Case ID No.	35375					PCW Revision January 29, 2008
Reg. Ent. Re							The state of the s
	lia [Statute]		id Waste				A 00
	Coordinator		1				acti attivicoca
Viol	ation Number	1	<u></u>				
	Rule Cite(s)			30 Tex. Admin. C	ode § 312.143		And Advanced in Ad
Violatio	n Description	where the ow facility ha Directo investigation trap sludge	wher or operates written author to receive waste at a si	or of the facility ag orization by permit vastes, as docume it was documente te located at 9255	nated by or accepta rees to receive the or registration issu- nted during the Deo d that the Respond Old Highway 48, B horized by permit o e.	waste and the (Tred by the Execution cember 17, 2007 ent disposed of grownsville, Came	exas) ve rease ron
						Base Pe	enalty \$10,000
>> Environmenta	l. Property a	ınd Human	Health Mat	rix			
	Release	Major	Harm Moderate	Minor	and the state of t	MC197 PACE SMINE AND S	-
OR	Actual				_ ,	-271	Communication
Million Company	Potential			X	Percent	5%	BALLOCOTELEC
>>Drogrammatic	Matrix						- Indiana According
>>Programmatic	Falsification	Major	Moderate	Minor	Citat Banana		000A xx 00000000A
					Percent	0%	Oceanaloucoco
Matrix Notes			vels that are p		ed to insignificant a in health or environ on. Adjustment	mental receptors	
					Adjustillelli	<u> </u>	***************************************
							\$500
Violation Events	s sa Christian			es (1955) (1952) California de la company			and the second s
	Number of Vic	olation Events	1		35 Number o	f violation days	
		daily]		•	
	mark only one with an x	monthly quarterly semiannual annual			\	/iolation Base Pe	enalty \$500
		single event	<u> </u>				
	One	single event i	s recommend	ed based on the d	ate of investigation	(12/17/2007).	
Economic Benefi	t (EB) for th	is violation			Statuto	ry Limit Test	The second secon
gay, ray magan da a da a da da da a a a a da da da da		and the second s		\$2	Violati	on Final Penalty	Total \$400
	Estimate	d EB Amount	L	عد ا	violati	on Final Fenalty	1 J(a) 9400
			T	his violation Fina	al Assessed Penal	ty (adjusted for I	imits) \$400

		conomic l	Benefit W	orks	sheet	alad polyne 🔻	
		ez dba KK Busters	Plumbing		e a la calific		
Case ID No.	35375				1 A. 15		
Reg. Ent. Reference No.	RN103162673				er all the second	and the second second	
	Municipal Solid	Waste				[<u></u>	Years of
Violation No.		11000			1.0	Percent Interest	Depreciation
violation no.					CHUSSESTANT		
					i i produktorina kolendarija Produktori	5.0	, 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					ASSECTATION OF THE PROPERTY OF	
Delayed Costs		arana Marina da Aranga da A		Walion	atan Mari		
Equipment	Show will and	Salatha and a	ngalis ya Barta Alaba	0.0	\$0	\$0	\$0
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Other (as needed)	- Stereo de la contraction de	and the second second		0.0	\$0	\$0	\$0
Engineering/construction	Marine Ma	Januar Branch Land		0.0	\$0	\$0	\$0
Land	Alpha ag Allanda Arta and a said			0.0	\$0	nana n/a	. \$0
Record Keeping System	\$340	17-Dec-2007	21-Jan-2008	0,1	\$2	n/a	\$2
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	l n/a l	\$0
Permit Costs				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)	Estimated cos	st to properly dispos	se of approximatel	0.0	\$0 \$0	n/a n/a trap sludge at an aut	\$0 \$0
Other (as needed) Notes for DELAYED costs	disposal fa	cility. The date rec	uired is the date to	0.0 0.0 y 2,050 (ne violati complian	\$0 \$0 gallons of grease ion was document ce.	irap sludge at an aut ed: The final date is	\$0 \$0 thorized sludge sthe date of
Other (as needed) Notes for DELAYED costs Avoided Costs	disposal fa	cility. The date rec	uired is the date to	0.0 0.0 y 2,050 (ne vlolati complian	\$0 \$0 gallons of grease ion was document ce.	n/a trap sludge at an aut ed. The final date is one-time avoided c	\$0 \$0 thorized sludge the date of costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	disposal fa	cility. The date rec	uired is the date to	0.0 0.0 y 2,050 (ne vlolati complian intering	\$0 \$0 gallons of grease ion was document ce. item (except for	n/a trap sludge at an aut ed. The final date is one-time avoided c	\$0 \$0 thorized sludge s the date of costs)
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Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	disposal fa	cility. The date rec	uired is the date to	9 2,050 (he violaticompliantering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 \$0 gallons of grease ton was document ce. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a trap sludge at an auted. The final date is one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 thorized sludge s the date of sosts) \$0 \$0 \$0 \$0

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Screening Date	11-Feb-2008	Docket No	o. 2008-0263-MLM-E	PCW
!	Mario Hernandez dba K	K Busters Plumbing	Poli	cy Revision 2 (September 2002)
Case ID No.				CW Revision January 29, 2008
Reg. Ent. Reference No.				
:	Municipal Solid Waste			
Enf. Coordinator				
Violation Number				
Rule Cite(s)		30 Tex. Admin. Code § 3	12.142(e)	
Violation Description	longer adequately	described by the existing regi	en the transport operations are no stration. Specifically, during the disposing of waste at a facility rotration.	111111111111111111111111111111111111111
			Base Pena	alty \$10,000
>> Environmental, Property a	and Human Health I	Matrix medial and describe		
	Harm		STEATE MISSELLE OF COMPANY SERVICE CONTRACTOR CONTRACTOR	
Release		te Minor		
OR Actual	<u> </u>		Percent 0%	ALL LANGE CONTRACTOR C
Potential	<u> </u>		Percent 078	
>>Programmatic Matrix	DEEC SUBSECUTION	a free production of the control of		**************************************
Falsification	Major Modera	te Minor		
Sharing the state of the state	X I		Percent 10%	
Arrest Research				
Matrix Notes	100% c	of the rule requirement was no	ot met.	
	and the second second	Speaking PARTY To be a sufficient	Adjustment \$9,	000
				\$1,000
				\$1,000
Violation Events	A PROPERTY OF THE PARTY OF THE	Trong Marie Barren	Made Transport Made Total	141 136
	51.7538-518-53.2549-1.	Paris and the State of the Inter-American State of the Int	NOTE THE SECTION OF THE PRESENT AND SECTION ASSESSMENT AND SECTION OF THE PROPERTY OF THE PROP	·
Number of Vi	olation Events 1	2	Number of violation days	
	daily			
mark only one with an x	monthly quarterly semiannual annual		Violation Base Pen	\$1,000
	single event x			
	One	e single event is recommende	ed.	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$0	Violation Final Penalty T	otal \$800
		This violation Final Ass	essed Penalty (adjusted for lim	its) \$800
The second secon	The Committee of the Co		menter 31 menter bereit in der besteht in der	

	Set to the second	conomic	Benefit W	orks	heet	r Pate O Service	
Respondent	: Mario Hernande	ez dba KK Busters	Plumbing				
Case ID No.	. 35375				•	* .	
Reg. Ent. Reference No.	. RN103162673					21	
	Municipal Solid	Waste					Years of
Violation No.						Percent Interest	Depreciation
Violation No.					- 0.00000000000000000000000000000000000	Sidayena tod 197	. 1.02 . 11
					To the fire of the base of the base of	5,0	1:
fire unit and a fire in a state up	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas of \$	(#1 to 3 a NO)				THE CANADAS ASSESSED	
•							
Delayed Costs	er i Steedid		er er aladis Albania sülleri.				
Equipment	च्या गास्त्राहरू	DOT STORY	epor noncorregat	0.0	\$0	\$0	\$0
Buildings	NHOWNER, BELLE	patra trade parecia par estat.	evanil sala pulina	0.0	\$0	\$0	\$0
Other (as needed)	tar sala, tahadi	Marine at Assistance	ni dalamata	0.0	. \$0	\$0	\$0
Engineering/construction			and the second s	0,0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	17-Dec-2007	18-Dec-2007	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
				1 0.0		10.0	
Other (as needed)			The supposed of the supposed o	0.0	\$0 n	n/a	\$0
Notes for DELAYED costs	L	interprise	date is the	0.0 ation. The	\$0 ne date required is compliance.	n/a the date of investig	\$0 pation. The final
Notes for DELAYED costs Avoided Costs	L	interprise	date is the	ation. The date of	\$0 e date required is compliance.	n/a the date of investig	\$0 , ation. The final
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Notes for DELAYED costs Avoided Costs Disposal Personnel	L	interprise	date is the	ation. The date of one of the other of one o	\$0 Te date required is compliance. Item (except for \$0 \$0	n/a the date of investig one-time avoided c \$0 \$0	\$0 , ation. The final
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Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	L	ÜÄLIZE [1] avoide	date is the	0.0 atton. The date of 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	\$0 le date required is compliance. Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a the date of investig one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 nation. The final costs) \$0 \$0 \$0 \$0 \$0 \$0

Scre	ening Date	11-Feb-2008	Docket No. 2008-0263-MLM-E	PCW
			ez dba KK Busters Plumbing	Policy Revision 2 (September 2002)
	Case ID No.	35375		PCW Revision January 29, 2008
Reg. Ent. Re	ference No.	RN103162673		
		Municipal Solid	d Waste	
	Coordinator	Andrew Hunt		
Viol	ation Number	3		
	Rule Cite(s)	30	Tex. Admin. Code § 312.146 and Tex. Water Code § 26.039(b)	
Violatio	on Description	occurrence	eport discharges or spills to the TCEQ no later than 24 hours after to of the discharge or spill. Specifically, the Respondent did not repo December 13, 2007 spill at the Site until December 17, 2007.	
				Penalty \$10,000
>> Environmenta	і, Ргоретту а	ina Human i	teairn warnx Harm	
	Release	Major	Moderate Minor	•
OR	Actual			
	Potential		Percent 0%	
>>Programmatic	Falsification	Major	Moderate Minor	
	Faisincation	x X	Percent 10%	
	L			
Matrix Notes			100% of the rule requirement was not met.	
		grandar (s. 2014).	Adjustment	\$9,000
				\$1,000
				\$1,000
Violation Events	a da la calindia	Distriction of the Control of the Co		
	NOT LEVELDE VERSENS	TERRETENEN CERNAEN CUMPA SE	ERSCALLEGY NIGGER SECTION SECT	820.8869 p. 6. 1 (800) 1.015
	Number of Vid	olation Events	1 Number of violation days	i
O CONTRACTOR OF THE CONTRACTOR		rasan a		
***************************************		daily monthly		
Manager According to the Control of	mark only one	quarterly	Violation Base	Penalty \$1,000
00.000	with an x	semiannual		<u> </u>
		annual		
00000000		single event	X	
enavavavanama	(
The state of the s	-	-	One single event is recommended.	
Economic Benefi	it (EB) for th	is violation	Statutory Limit Tes	
AND THE PROPERTY OF THE PROPER	Fetimato	d EB Amount	\$0 Violation Final Penal	Ity Total \$800
700000	Latinate	A ED AIIIOUIII		-
***************************************	NOT THE PERSON AS THE PERSON AS THE PERSON AS THE		This violation Final Assessed Penalty (adjusted fo	or limits) \$800

		conomic	Benefit W	OLKS	sneet		
Respondent	Mario Hernande	ez dba KK Busters	Plumbing				
Case ID No.	35375						
Reg. Ent. Reference No.	RN103162673				146		303 . P. C. L. 184
	Municipal Solid	Waste				Barrell Laborator	Years of
Violation No.					** 11	Percent Interest	Depreciation
					are committees		1904 700
						5.0	15
Ta Personal de la Calendaria de la Calen	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		di si di biraktaraksar	HATE PARK			
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	and the second of the second o						
Delayed Costs		The first tenting about	ar service and the service			1.	
Equipment		erve a terrasil	for others, being confi	0.0	\$0	\$0	\$0
Buildings	elika a kenala a sesegan	La garage and second con-	A Share a second	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	17-Dec-2007	17-Dec-2007	0.0	\$0	n/a	\$0
Training/Sampling		11 200 2001	1, 200, 2001	0.0	\$0	n/a	\$0
Remediation/Disposal				0,0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	Estimated co	sts to report nonco	mpliant discharge	0.0	\$0	n/a	\$0
Other (as needed) Notes for DELAYED`costs	Estimated co	sts to report nonco	mpliant discharge	0.0 s or spill	\$0		\$0
		***	final date is t	0.0 s or spill the date	\$0 s. The date require of compliance.	n/a ed is the date of inve	\$0 estigation. The
Notes for DELAYED costs		***	final date is t	0.0 s or spill the date	s. The date require of compliance.	n/a ed is the date of inve	\$0 estigation. The costs)
Notes for DELAYED costs Avoided Costs		***	final date is t	s or spill the date intering	s. The date require of compliance. Item (except for \$0 \$0	n/a ed is the date of invo	sosts)
Notes for DELAYED costs Avoided Costs Disposal		***	final date is t	s or spill the date intering	s. The date require of compliance.	n/a ed is the date of inve	\$0 estigation. The estigation in the section is the section in the section is the section in the section in the section in the section is the section in the section is the section in the section in the section in the section is the section in the
Notes for DELAYED costs Avoided Costs Disposal Personnel		***	final date is t	0.0 s or spill the date entering 0.0 0.0 0.0	s. The date require of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a ed is the date of inverse and inverse	\$0 estigation. The costs) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		***	final date is t	0.0 s or spill the date ntering 0.0 0.0 0.0 0.0	s. The date require of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ed is the date of inverse one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 estigation. The sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		***	final date is t	s or spill the date intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	s. The date require of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a ed is the date of inverse and inverse	\$0 estigation. The estigation in the estigation
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Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		***	final date is t	s or spill the date intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	s. The date require of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ed is the date of inverse and inverse	\$0 estigation. The estigation in the estigation
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		***	final date is t	s or spill the date intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	s. The date require of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ed is the date of inverse and inverse	\$0 estigation. The estigation in the section in the
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		***	final date is t	s or spill the date intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	s. The date require of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ed is the date of inverse and inverse	\$0 estigation. The estigation in the section in the
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		***	final date is t	s or spill the date intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	s. The date require of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ed is the date of inverse and inverse	\$0 estigation. The estigation of the second

Screening I	Date 11-Feb-2008 Docket No. 2008-0263-MLM-E	PCW
Respond	dent Mario Hernandez dba KK Busters Plumbing	Policy Revision 2 (September 2002)
Case ID	No. 35375	PCW Revision January 29, 2008
Reg. Ent. Reference	No. RN103162673	
Media [Stat	tute] Municipal Solid Waste	
1 The second	ator Andrew Hunt	
Violation Nu		
Rule C	ite(s) 30 Tex. Admin. Code § 330.15(c)	
	Failed to prevent the unauthorized discharge of pollutants including grease tra	n waste
Violation Descri	onto the ground of the Site.	, waste
		,
		Penalty \$10,000
>> Environmental, Prope	erty and Human Health Matrix	
Rel	Harm lease Major Moderate Minor	,
OR A	Actual x	
Pot	ential Percent 10%	
>>Programmatic Matrix		
Falsific		
indhasi ^{ka}	Percent 0%	
THE SECOND		14
Matrix Human Notes	health or the environment has been exposed to insignificant amounts of pollutants as of this violation.	a result
Comments of the Comments of th	Adjustment	\$9,000
2 Mending Chi. (*) Lei Bibliotic auson amendicant, concessor and construction and construction and construction	,	\$1,000
		\
Violation Events		AND SULEDING
Number	of Violation Events 1 43 Number of violation days	<u> </u>
Number	of violation Events 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	'
	daily	
	monthly	- 4 (1,000
mark onl with a		Penalty \$1,000
wiiii ai	n x semiannual annual annual	
	single event	
	■ F2X SN Led 100 E F2 20 E P 100 [
One q	juarterly event is recommended from date of investigation (12/17/2007) to date of com	pliance
	(01/29/2008).	
Economic Benefit (EB) fo	or this violation Statutory Limit Tes	
A A S. I Andrew Golden Griffeld about 1 and outstanding the II I I I I I I I I I I I I I I I I I	(1875) (1888年) (188845) (188845) (188845) (188845) (188845) (188845) (188845) (188845) (188845) (188845) (188845) (188845) (188845) (188845) (188845) (188845) (1888	
ESTI		
	This violation Final Assessed Penalty (adjusted fo	or limits) \$800

Case ID No.		ez dba KK Busters	Plumbing			t in the second	
Reg. Ent. Reference No.							
	Municipal Solid	Masta					Years of
Violation No.		wasie				Percent Interest	Depreciation
Violation No.	4				- Struit Wayan		er Many
					Control of the Contro	5.0	1
Item Description		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs						1	
Equipment		1		0.0	\$0	\$0	\$0
Buildings	and protest	Mask die G. G. G. G.	ragida bara walare	0,0	\$0	\$0	\$0
Other (as needed)		collect with Madensie	Augustinia (v.)	0.0	\$0	\$0	\$0
Engineering/construction	Adda and a series of the serie	The second secon		0,0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	and the second second	The second of the second of		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,000	17-Dec-2007	29-Jan-2008	0.1	\$6	n/a	\$6
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	banno caranta and a		Lister and the second section of	0.0	\$0	l n/a	\$0
, , ,	Estimated cos	ts to remove and p	properly dispose of	contami		e Site. The date requ	uired is the date
Notes for DELAYED costs Avoided Costs Disposal Personnel	·	of in	vestigation. The fin	contami al date l ntering 0.0 0.0	nated soil from the s the date of comp item (except for \$0 \$0	e Site. The date requirements one-time avoided comparison one-time avoided comparison so	osts) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	·	of in	vestigation. The fin	contami al date I ntering 0.0 0.0 0.0	nated soil from the s the date of comp item (except for \$0 \$0	e Site. The date requiliance: one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment	·	of in	vestigation. The fin	ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	e Site. The date requiliance: one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	·	of in	vestigation. The fin	ntering 0.0 0.0 0.0 0.0 0.0	nated soil from the sithe date of complications in the date of complication in the date of complication in the date of complication in the date of complex soil in the dat	e Site. The date requiliance: one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	·	of in	vestigation. The fin	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	nated soil from the sithe date of complications in the date of complication in the sither of complication in the sither of complex sither	e Site. The date requiliance: one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	JANN ARRANG	of in	vestigation. The fin	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	nated soil from the sithe date of complications in the date of complication in the sither of complication in the sither of complex sither	e Site. The date requiliance: one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	·	of in	vestigation. The fin	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	nated soil from the sithe date of complications in the date of complication in the sither of complication in the sither of complex sither	e Site. The date requiliance: one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	JANN ARRANG	of in	vestigation. The fin	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	nated soil from the sithe date of complications in the date of complication in the sither of complication in the sither of complex sither	e Site. The date requiliance: one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	JANN ARRANG	of in	vestigation. The fin	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	nated soil from the sithe date of complications in the date of complication in the sither date of complication in the sit	e Site. The date requiliance: one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Compliance History

	Joine		.		
Customer/Respondent/Owner-Operator:	CN601171457	HERNANDEZ, M	ARIO	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN103162673	K K BUSTERS P	LUMBING	Classification: HIGH	Site Rating: 0.00
ID Number(s): Location:	SLUDGE 3221 WELLINGT	ON CT, BROWNSV		ISTRATION Rating Date: 9/1/2007	23383 7 Repeat Violator: NO
TCEQ Region:	REGION 15 - HAI	RLINGEN			
Date Compliance History Prepared:	February 12, 2008	3			
Agency Decision Requiring Compliance History:	Enforcement				
Compliance Period:	February 12, 2003	3 to February 12, 20	08		
TCEQ Staff Member to Contact for Additional Info	rmation Regarding	this Compliance His	story		
Name: Andrew Hunt	Ph	one: 512-239	9-1203		
	Site Comp	liance History Co	mponents		
Has the site been in existence and/or operation	-	•	•		
Has there been a (known) change in ownership				· .	
3. If Yes, who is the current owner?	or the one daming the	io compilarios porie	N/A		
4. if Yes, who was/were the prior owner(s)?			N/A		
5. When did the change(s) in ownership occur?			N/A		
Components (Multimedia) for the Site:					
A. Final Enforcement Orders, court judgemer	nts. and consent de	crees of the state of	Texas and the fe	deral government.	*
N/A	,				
 Any criminal convictions of the state of Tex N/A 	xas and the federal	government.			
C. Chronic excessive emissions events.					
N/A					
D. The approval dates of investigations. (CCI	EDS Inv. Track. No.)			
1 02/25/2004 (262914)					
N/A					*
E. Written notices of violations (NOV). (CCEI	OS Inv. Track. No.)				
F. Environmental audits.					
G. Type of environmental management syste	ems (EMSs).				
N/A					
H. Voluntary on-site compliance assessment	dates.				
N/A					
I. Participation in a voluntary pollution reducti	on program.				
N/A					
J. Early compliance.					
NI/A					

Sites Outside of Texas
N/A

The second secon

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§ BEFORE THE	
ENFORCEMENT ACTION	§	
CONCERNING	§ TEXAS COMMISSION ON	1
MARIO HERNANDEZ DBA KK	§ ·	
BUSTERS PLUMBING	§ 1 2 2	
RN103162673	§ ENVIRONMENTAL QUAI	LITY

AGREED ORDER DOCKET NO. 2008-0263-MLM-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Mario Hernandez dba KK Busters Plumbing ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a sludge transporter facility at 3221 Wellington Court, Brownsville, Cameron County, Texas (the "Facility").
- 2. The Respondent has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
- 4. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 5. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 29, 2008.
- 6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

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The remaining amount of Two Thousand Eighty Dollars (\$2,080) of the administrative penalty shall be payable in thirteen monthly payments of One Hundred Sixty Dollars (\$160) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 8. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 9. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On December 17, 2007, the TCEQ Harlingen Regional Office received a notice of noncompliance from the Respondent for a December 13, 2007 discharge of grease trap sludge;
 - b. On December 18, 2007, the TCEQ Harlingen Regional Office received an amendment to the registration including Valley Dewatering Services as an additional disposal site;
 - c. On January 21, 2008, the Respondent transported 2,050 gallons of sludge to Valley Dewatering Services disposal site from the storage tanks located at 9255 Old Highway 48, Brownsville, Cameron County, Texas ("the Site"); and
 - d. On January 29, 2008, the Respondent removed and properly disposed of grease-contaminated soil at the Site.
- 11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

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- 12. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to deposit wastes at a facility designated by or acceptable to the generator where the owner or operator of the facility agrees to receive the waste and the (Texas) facility has written authorization by permit or registration issued by the Executive Director to receive wastes, in violation of 30 Tex. Admin. Code § 312.143, as documented during an investigation conducted on December 17, 2007. Specifically, it was documented that the Respondent disposed of grease trap sludge waste at the Site, which was not authorized by permit or registration to receive waste.
- 2. Failed to submit a new registration application when the transport operations are no longer adequately described by the existing registration, in violation of 30 Tex. ADMIN. CODE § 312.142(e), as documented during an investigation conducted on December 17, 2007. Specifically, during the investigation, it was noted that the Respondent was disposing of waste at a facility not designated on the registration.
- 3. Failed to report discharges or spills to the TCEQ no later than 24 hours after the occurrence of the discharge or spill, in violation of 30 Tex. ADMIN. CODE § 312.146 and Tex. WATER CODE § 26.039(b), as documented during an investigation conducted on December 17, 2007. Specifically, the Respondent did not report a December 13, 2007 spill at the Site until December 17, 2007.
- 4. Failed to prevent the unauthorized discharge of pollutants including grease trap waste onto the ground at the Site, in violation of 30 Tex. ADMIN. CODE § 330.15(c), as documented during an investigation conducted on December 17, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

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IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Mario Hernandez dba KK Busters Plumbing, Docket No. 2008-0263-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission		
For the Executive Director		Date 6 30 2008

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Mario Hoz
Signature

Date

14 | Abril | 08

Date

Mario Hernandez

Name (Printed or typed)

Title

Name (Printed or typed)
Authorized Representative of
Mario Hernandez dba KK Busters Plumbing

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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S. J. C. W. J. J.